

# BARNES & THORNBURG LLP

11 South Meridian Street  
Indianapolis, Indiana 46204  
(317) 236-1313  
(317) 231-7433 Fax

## *IN THE UNITED STATES PATENT AND TRADEMARK OFFICE*

<i>Customer No.</i>	23643	}	
		}	
<i>Group:</i>	3621	}	
		}	
<i>Confirmation No.:</i>	6871	}	
		}	
<i>Application No.:</i>	09/900,989	}	
		}	
<i>Invention:</i>	WASTE PROCESSING SYSTEM AND METHOD	}	FILED ELECTRONICALLY
		}	APRIL 2, 2007
		}	
<i>Inventor:</i>	Kenneth S. Price et al.	}	
		}	
<i>Filed:</i>	July 9, 2001	}	
		}	
<i>Attorney</i>		}	
<i>Docket:</i>	41898-79395	}	
		}	
<i>Examiner:</i>	James A. Reagan	}	

### PETITION FOR REVIVAL UNDER 37 CFR 1.137(b)

#### **Mail Stop Petitions**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

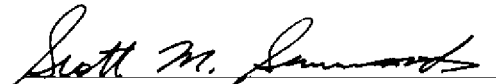
Sir:

Applicants hereby petition for revival of this application under 37 CFR 1.137(b). Filed with this Petition is a Statement Under 37 CFR 1.137(b) which explains that the delay in filing this Petition was unintentional. Also filed with this Petition is an Appeal Brief. Since this application was filed after June 8, 1995, no Terminal Disclaimer is required.

Please charge the \$1,500 Petition fee as set forth in 37 CFR 1.17(m), as well as any additional fees that may be due in connection with this Petition, to Deposit Account No. 10-0435.

Respectfully submitted,

BARNES & THORNBURG LLP

A handwritten signature in black ink, appearing to read "Scott M. Simmonds", is written over a horizontal line.

Scott M. Simmonds

Reg. No. 55620

Indianapolis, Indiana  
Tel: 317-231-7403  
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#### STATEMENT UNDER 37 CFR 1.137(b)

The undersigned hereby states that the delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional.

The events leading to the unintentional abandonment are summarized as follows:

On March 15, 2006, the undersigned filed a timely Notice of Appeal.

On April 27, 2006, the Office mailed a Notice of Panel Decision from Pre-Appeal Brief Review indicating prosecution was re-opened.

The Notice of Panel Decision from Pre-Appeal Brief Review was docketed and the status of the file in the docketing system of the undersigned was changed to reflect prosecution being re-opened and currently awaiting an action from the Office.

On December 8, 2006, the undersigned mailed a Status Request inquiring as to the status of the application.

As evidenced by the Transaction History in PAIR (attached hereto as an exhibit), an entry of Abandonment for Failure to Respond to an Office Action was entered on December 29, 2006.

As evidenced by the Transaction History in PAIR, a Notice of Abandonment ***was mailed on January 5, 2007***. The Notice of Abandonment was marked with a mail date of July 25, 2006, but was not mailed until January 5, 2007 and was received by the undersigned on January 8, 2007.

The undersigned has diligently prepared an Appeal Brief in response to the outstanding Office Action, the Brief being filed contemporaneously herewith.

Respectfully submitted,

BARNES & THORNBURG LLP

A handwritten signature in cursive script, reading "Scott M. Simmonds".

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Scott M. Simmonds  
Reg. No. 55620

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Tel: 317-231-7403  
Fax: 317-231-7433  
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INDS02881705v1

### EXHIBIT

The attached exhibit is a print-out of the Transaction History of the subject application, printed from PAIR on January 10, 2007 evidencing the timeline discussed in the Statement.

Search results as of: 01-10-2007::08:37:49 E.T.

**Transaction History**

<b>Date</b>	<b>Transaction Description</b>
01-05-2007	Mail Abandonment for Failure to Respond to Office Action
12-29-2006	Abandonment for Failure to Respond to Office Action
03-28-2006	Correspondence Address Change
03-29-2006	Change in Power of Attorney (May Include Associate POA)
03-20-2006	Notice of Appeal Filed
03-20-2006	Request for Extension of Time - Granted
11-25-2005	IFW TSS Processing by Tech Center Complete
10-17-2005	Mail Non-Final Rejection
10-14-2005	Non-Final Rejection
04-27-2006	Date Forwarded to Examiner
04-27-2006	Mail Appeals conf. Reopen Prosec.
10-14-2005	Appeals conf. Decision, Reopen Prosec.
09-26-2005	Request for Appeal Conference Filed
09-26-2005	Notice of Appeal Filed
09-26-2005	Request for Extension of Time - Granted
05-23-2005	Mail Final Rejection (PTOL - 326)
05-16-2005	Final Rejection
04-19-2005	Correspondence Address Change
04-19-2005	Date Forwarded to Examiner
03-29-2005	Response after Non-Final Action
03-29-2005	Request for Extension of Time - Granted
10-25-2004	Mail Non-Final Rejection
10-22-2004	Non-Final Rejection
09-13-2004	Date Forwarded to Examiner
08-16-2004	Response to Election / Restriction Filed
08-16-2004	Workflow incoming amendment IFW
07-19-2004	Mail Restriction Requirement
07-16-2004	Requirement for Restriction / Election
01-09-2004	Case Docketed to Examiner in GAU
11-13-2003	Case Docketed to Examiner in GAU
05-31-2002	Case Docketed to Examiner in GAU
05-30-2002	Case Docketed to Examiner in GAU
01-29-2002	Information Disclosure Statement (IDS) Filed
04-02-2002	Case Docketed to Examiner in GAU
03-05-2002	Application Dispatched from OIPE
02-19-2002	Application Is Now Complete
01-11-2002	Additional Application Filing Fees
01-11-2002	A statement by one or more inventors satisfying the requirement under 35 USC 115, Oath of the Applicant
01-11-2002	Applicant has submitted new drawings to correct Corrected Papers problems
08-27-2001	Notice Mailed--Application Incomplete--Filing Date Assigned
08-24-2001	Correspondence Address Change
07-25-2001	IFW Scan & PACR Auto Security Review
07-09-2001	Initial Exam Team nn

**Close Window**